

**Ashley M. Gjovik, JD**

*Pro Se Plaintiff*

2108 N St. Ste. 4553

Sacramento, CA, 95816

(408) 883-4428

[legal@ashleygjovik.com](mailto:legal@ashleygjovik.com)

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**ASHLEY GJOVIK**, *an individual*,

Plaintiff,

v.

**APPLE INC**, *a corporation*,

Defendant.

**Case No. 3:23-cv-04597-EMC**

**Filed:** September 7 2023

**District Judge:** Honorable Edward M. Chen

**MOTION FOR JUDICIAL NOTICE**

**Filed:** December 25 2023

**ADDITIONAL EXHIBITS**

**Addendum: January 2 2024**

**Hearing**

**Dept:** Courtroom 5, 17th Floor (Virtual)

**Date:** February 8, 2024 1:30 p.m.

## I. SUMMARY

1. This is an addendum to Plaintiff's December 25 2023 Motion for Judicial Notice. Following Plaintiff's filing of Opposition to Dismiss, Second Amended Complaint, and Motion for Judicial Notice – Defendant has since withdrawn its Motion to Dismiss. However, Plaintiff still plans to pursue her Motion for Judicial Notice.


2. Plaintiff's Motion for Judicial Notice hearing was scheduled for the same day as prior Apple's withdrawal, and will stay scheduled for that date and be in support of Plaintiff's Second Amended Complaint.

3. Plaintiff also files some additional exhibits, which are filed as addendums to prior Exhibits (numbered by prior categories). The summary table from Page 20-21 of the 12/25/23 Motion for Judicial Notice is also revised here to add the new filings and to better describe all of the individual filings and requested actions.

## II. CONCLUSION & DECLARATION

4. I verified the authenticity of each of these documents. A true and correction version of each document is attached in each exhibit. I declare under penalty of perjury this is true and correction. This Motion is filed, served, and noticed for the motion calendar of the Honorable Edward M. Chen, for hearing not less than 35 days after filing the motion, in compliance with Civil Local Rule 7.2(a). In Compliance with Civil Local Rules and Judge Chen's Standing Orders, the Proposed Order is attached to the December 25 2023 Motion.

Signature of Plaintiff: \_\_\_\_\_



Printed Name of Plaintiff: Ashley M. Gjovik

Date: January 2 2024

1  
2

### III. APPENDIX: TABLE OF ATTACHMENTS (REVISED)

Attached To:	Type of Document & Associated Claims	Associated Claims:	Description
<b>Exhibit 01</b>  Location: “TRW Microwave / 825 Stewart”  12/25/23	Agency Records: Filings, Complaints, Websites, & Orders	Ultrahazardous; Nuisance; RICO; Dodd Frank; SOX; §§ 1102.5, 6310, 98.6; <i>Tamney</i> ; IIED  Establish: - existence of facility and regulatory oversight at 825 Stewart (Gjovik’s Apple office) - existence of communications between US EPA and responsible party and/or owner, & statements made about CERCLA expectations and obligations	<ul style="list-style-type: none"> <li>• Pg3-5: Receipt of Gjovik’s 8/29/21 US EPA Complaint (Notice: date/time and statement made)</li> <li>• Pg7-9: US EPA Aug 19 2021 Inspection Report (Notice: date, parties, and statement made)</li> <li>• Pg11-17: US EPA May 20 2022 Letter (Notice: date, parties, and statement made)</li> <li>• Pg19-20: US EPA July 21 2022 Letter (Notice: date, parties, and statements made)</li> <li>• Pg22-25: US EPA Dec 6 2022 Letter (Notice: date, parties, and statements made)</li> <li>• Pg26: US EPA Feb 7 2023 Letter (Notice: date, parties, and statements made)</li> <li>• Pg28-33: US EPA Aug 31 2023 Letter (Notice: date, parties, and statements made)</li> <li>• Pg35-46: US EPA website circa March 2021 (Notice: statements made)</li> <li>• Pg48-49: CalEPA website circa March 2021 (Notice: statements made)</li> <li>• Pg51-54: US EPA 2014 Prosp. Purchaser Letter (Notice: date, parties, and statements made)</li> <li>• Pg56-62: US EPA 2016 Prosp. Purchaser Letter (Notice: date, parties, and statements made)</li> <li>• Pg 64-65: Sunnyvale 9/9/21 Inspection (Notice: date, parties, and statements made)</li> <li>• Pg68-94: Deed (Notice: contract terms; statements made)</li> <li>• Pg96-97: US EPA 1/12/23 “Commercial” FOIA Appeal (Notice: dates, parties, statement made in decision)</li> </ul>
<b>Addendum:</b> Exhibit 01  1/2/24	<i>See above.</i>	<i>See above.</i>  Establish: - Current TSCA rule for TCE - Site registered for haz waste/mat management - Apple was submitting vapor intrusion reports directly to US EPA	<ul style="list-style-type: none"> <li>• Pg2-5: US EPA TSCA Notice for TCE (Notice: date, statements name)</li> <li>• Pg6-13: Property sale news/press releases (Notice: dates, statements made, Apple buildings are newsworthy and of public interest)</li> <li>• Pg14-20: CERS Hazardous Mat/Waste Records (Notice: dates, statements made, programs)</li> <li>• Pg21-22: US EPA 2016 approval of vapor intrusion report (Notice: dates, people, statements made, data relied on)</li> <li>• Pg23-41: 2016 Vapor Intrusion Report filing (Notice: name of party filing the report “Apple”; date filed; statements made)</li> <li>• Pg42-83: US EPA/US ACE 2019 Five Year Report (Notice: date, statements made)</li> </ul>
<b>Exhibit 02</b>	Agency	Nuisance; RICO;	<ul style="list-style-type: none"> <li>• Pg3-4: CalEPA CERS Record (Notice: statements,</li> </ul>

<p>Location: “3250 Scott Blvd”</p> <p>12/25/23</p>	<p>Record: Filings, Notice, Letters</p>	<p>IIED; Ultrahazardous Activities</p> <p>Establish: - existence of facility and regulatory oversight at 3250 Scott Blvd - site is hazardous waste generator - site emits waste into the air - site has code violations and at least two leaks/spills - In 2023, Gjovik filed complaint about site and then there was an inspection</p>	<p>registrations, and contacts)</p> <ul style="list-style-type: none"> <li>• Pg6-7: Santa Clara Fire Dept Outstanding Violations (Notice: citations/violations including date and type)</li> <li>• Pg9: Santa Clara Fire Dept Letter about Risk Management Plan (Notice: date and statements made)</li> <li>• Pg11-24: US EPA 2020 TRI Report (Notice: date filed, date of activity reported, contacts, statements made)</li> <li>• Pg26-28: US EPA ECHO Air Pollutant Report showing 2013-2022 (Notice: lack of filings other than 2020, content of 2020 filing, statements made)</li> <li>• Pg30-38: US EPA ECHO Report (Notice: US EPA RCRA Inspection/Evaluation on August 17 2023 – “Undetermined”).</li> <li>• Pg40-42: Santa Clara Fire Dept 6/1/19 Incident Report (Notice: date of incident, statements made)</li> <li>• Pg44-49: CalOES 4/30/21 Spill Report and Santa Clara Fire Dept 4/30/21 Incident Report (Notice: date of incident, statements made)</li> <li>• Pg51-53: US EPA FRS Facility Report (Notice: registrations/programs, contacts, dates last updated).</li> <li>• Pg55-60: CalEPA DTSC Hazardous Waste Profiles (Notice: contacts, programs, amount of waste reported)</li> <li>• Pg62-93: Gjovik’s 6/12/23 Complaint to US EPA (Notice: dates of filings/email, contacts, statements made).</li> </ul>
<p><b>Addendum:</b> Exhibit 02</p> <p>1/2/24</p>	<p><i>See above.</i></p>	<p><i>See above.</i></p> <p>Establish: - Current NMP TSCA rules</p>	<ul style="list-style-type: none"> <li>• Pg2-4: US EPA TSCA Notice for NMP Fed. Reg (Notice: date, statements)</li> <li>• Pg5-8: News article about Apple renting 3250 Scott (Notice: date, statements, Apple buildings are newsworthy &amp; of public interest)</li> </ul>
<p><b>Exhibit 03</b> “NLRB”</p> <p>12/25/23</p>	<p>Agency Record: Filing &amp; Notice</p>	<p><i>Tamney</i>; §§ 1102.5, 6310, 98.6; Bane; Ralph; RICO; IIED</p> <p>Establish: - Gjovik filed NLRB charge prior to termination, and after - Decision of Merit issued on two charges</p>	<ul style="list-style-type: none"> <li>• Pg2-15: Gjovik’s NLRB Unfair Labor Practice Charges (Notice: date filed, statements made)</li> <li>• Pg16: NLRB Decision of Merit on 2 Charges (Notice: date, parties, statements made)</li> <li>• Pg17-19: News article about Decision of Merit (Notice: date, interest from press in decision / public importance, statements from NLRB in article)</li> <li>• Pg20-21: Gjovik’s NLRB Policy Charges (Notice: date filed, statements made)</li> </ul>
<p><b>Addendum:</b></p>	<p><i>See above.</i></p>	<p><i>See above.</i></p>	<ul style="list-style-type: none"> <li>• Pg2-6: 8/30/21 Notice to Apple of Gjovik’s NLRB</li> </ul>

Exhibit 03  1/2/24		Establish: - Apple notified of NLRB charge no later than 8/30/21 - NLRB charged filed 12/29/23	Filing (Notice: date, statements, parties) <ul style="list-style-type: none"> <li>• Pg7-9: 8/30/21 Apple Notice of Appearance (Notice: date, statements, parties)</li> <li>• Pg10-14: New charge (Notice: date)</li> <li>• Pg15-26: Public Views of Gjovik's NLRB Cases/Charges (Note: existence, dates, parties, statements)</li> </ul>
<b>Exhibit 04</b>  "US DOL & CalDOL"  12/25/23	Agency Record: Notice; Filing	SOX; RICO; <i>Tamney</i> ; §§ 1102.5, 6310, 98.6; Bane; Ralph; IIED	<ul style="list-style-type: none"> <li>• Pg3-11: Gjovik's California Dept. of Labor Charges (Notice: date of filing, statements made)</li> <li>• Pg13: US Department of Labor Letter that Gjovik's charges docketed (Notice: date of filing, statements made)</li> <li>• Pg16-17: Gjovik's US DOL charges (Notice: date of filing)</li> <li>• Pg18-20: News article about Gjovik's US DOL Case (Notice: date, statements made, public interest in Gjovik's claims)</li> <li>• Pg21-33: Apple's UD DOL Position Statement (Notice: date filed, law firm/attorneys who filed the statement, statements made in the statement)</li> <li>• Pg34-60: Gjovik's 12/24/23 US DOL Request for Review (Notice: date filed; statements made)</li> <li>• Pg 61-67: US DOL OSHA 12/8/23 Dismissal Letter (Notice: date issued; statements made)</li> <li>• Pg68-69: First two pages of Gjovik's Exhibit to Request to Review (Notice: date filed, existence of 48 exhibits)</li> <li>• Pg70: Gjovik's 12/24/23 Request for Review</li> </ul>
<b>Exhibit 05</b>  "EEOC / DFEH"  12/25/23	Agency Record: Notice; Complaint; Letter; ALJ Decision	SOX; Dodd-Frank; §§ 1102.5, 98.6, 6310; RICO; <i>Tamney</i> ; IIED; Bane; Ralph	<ul style="list-style-type: none"> <li>• Pg3: US EEOC 8/12/21 Notice of Interview (Notice: date, statements made)</li> <li>• Pg4-9: US EEOC Charge and Right to Sue Letter (Notice: date, case information, statements made)</li> <li>• Pg10-14: News Article about Right to Sue Letter (Notice: public interest in Gjovik's complaints)</li> <li>• Pg16-20: California DFEH Charge (Notice: date, case information, statements made)</li> <li>• Pg22-24: 9/2/21 US DOJ Civil Rights Charge (Notice: date, case information)</li> <li>• Pg26-31: ALJ Unemployment Insurance Appeal decision (Notice: date, case information, statements made)</li> </ul>
<b>Exhibit 06</b>  "SEC / DOJ"  12/25/23	Agency Record: Filing; Complaint	SOX; Dodd-Frank; <i>Tamney</i> ; § 1102.5; RICO; IIED	<ul style="list-style-type: none"> <li>• Pg3-21: Gjovik's 8/31/21 SEC whistleblower tip (Notice: date filed, statements made, attachments, parties)</li> <li>• Pg23: Gjovik's 9/3/21 NCDF Complaint (Notice: date filed)</li> <li>• Pg24: Gjovik's 9/3/21 FDA OCI Complaint (Notice:</li> </ul>

			<p>date filed)</p> <ul style="list-style-type: none"> <li>• Pg25: Gjovik's 9/3/21 FBI Tip (Notice: date filed)</li> <li>• Pg27-29: 2010 Apple Press Release about Ronald Sugar Joining Apple Board (Notice: date; statements made)</li> <li>• Pg31-120: Apple's 2021 Annual Proxy Statement (Notice: date and statements made).</li> </ul>
<p><b>Addendum:</b> Exhibit 06</p> <p>1/2/24</p>	See above.	<p>See above.</p> <p>Establish:</p> <ul style="list-style-type: none"> <li>- Apple's statements in SEC filings</li> <li>- Apple's statements in their corp policies</li> <li>- Ronald Sugar employment and NGC stock</li> <li>- SEC 2007 case</li> </ul>	<ul style="list-style-type: none"> <li>• Pg2-25: Apple Board Policies (Notice: statements made; existence of policies)</li> <li>• Pg26-29: Apple Whistleblower Policy (Notice: statements made; existence of policies)</li> <li>• Pg30-35: Ronald Sugar Press Releases from Chevron and Northrop Grumman (Notice: statements made; dates)</li> <li>• Pg36-46: Apple 2023 Environment Website FAQs (Notice: statements made)</li> <li>• Pg47-51: 2016 ITC Chevron Shareholder filing (Notice: date of filing; statements made)</li> <li>• Pg52-56: Heinen and Anderson 2007-2008 SEC/DOJ cases (Notice: dates, parties, allegations made)</li> <li>• Pg57-90: Ronald Sugar 2016 990s with Northrop Grumman stock (Notice: Sugar's Northrop Grumman stock transactions in 2016)</li> <li>• Pg91-155: Apple 2021 ESG report (Notice: statements made)</li> <li>• Pg156- : Apple 2021 Env Progress Report (Notice: statements made)</li> <li>• Pg262-325: Apple 2021 10-K (Notice: statements made)</li> </ul>
<p>Exhibit 07</p> <p>"Criminal Lawsuits &amp; Whistleblower Lawsuits"</p> <p>12/25</p>	Legal Record: Complaint	<p>RICO; Bane; Ralph; <i>Tamney</i>; IIED; SOX; Dodd-Frank; 1102.5</p> <p>Establish:</p> <ul style="list-style-type: none"> <li>- Legal basis for Predicate Acts against Levoff and Moyer</li> <li>- Claims made against Apple, and defenses proffered by Apple in <i>Banko v Apple</i> and <i>Brown v Apple</i> cases</li> </ul>	<ul style="list-style-type: none"> <li>• Pg3-59: <i>US v Levoff</i>, Court Records (Notice: dates, parties, claims, actions, statements made)</li> <li>• Pg61-89: <i>State v Thomas Moyer</i>, Court Records (Notice: dates, parties, claims, actions, statements made)</li> <li>• Pg91-169: <i>Banko v Apple Inc</i>, Court Records (Notice: dates, parties, claims, actions, statements made)</li> <li>• Pg171-201: <i>Brown v Apple Inc</i>, Court Records (Notice: dates, parties, claims, actions, statements made; defense law firm and attorney assigned)</li> </ul>
<p><b>Exhibit 08</b></p> <p>"Hazardous</p>	Legal Record: Complaint & Order	<p>Ultrahazardous; Nuisance; RICO; Dodd Frank;</p>	<ul style="list-style-type: none"> <li>• Pg3-6: <i>People v Apple</i>, 2016 DTSC Press Release (Notice: statements made; allegations)</li> <li>• Pg8-23: <i>People v Apple</i>, 2016 DTSC Complaint</li> </ul>

Waste Lawsuits / Filings”  12/25/23	Agency Filings; Agency Press Release	SOX; § 6310  Establish: - DTSC claims against Apple - Existence and content of article Gjovik complained about in March-September 2021 - North Carolina claims against Apple - Public interest in Apple’s hazardous waste violations	(Notice: statements made; dates; parties; allegations) <ul style="list-style-type: none"> <li>• Pg25-26: <i>People v Apple</i>, 2016 DTSC Order (Notice: statements made; allegations; actions)</li> <li>• Pg28-38: <i>People v Apple</i>, 2016 DTSC Settlement (Notice: statements made; allegations; actions)</li> <li>• Pg41-42: <i>People v Apple</i>, 2016 DTSC Judgement (Notice: statements made; allegations; actions)</li> <li>• Pg43-47: 2016 Reuters article about DTSC settlement with quote from Alisha Johnson (Notice: date; statements made; names)</li> <li>• Pg49-81: 2017 North Carolina “Maiden” data center Hazardous Waste Citation, Fine, and Settlement Order (Notice: dates; statements made; allegations; actions)</li> <li>• Pg83-84: New articles about Apple’s 2017 NC “Maiden” hazardous waste violations (Notice: statements made; Apple’s env practices are news worthy)</li> <li>• Pg85-88: News article about Apple’s statements about NC Maiden operations (Notice: statements made; Apple’s env practices are news worthy)</li> </ul>
<b>Addendum:</b> Exhibit 8  1/2/24	<i>See above.</i>	<i>See above.</i>  Establish: - Apple applied for the “Safer Choice” US EPA award in 2020 and 2021 - Apple’s claims for why they deserve the award - EPA’s reliance on Apple’s statements	<ul style="list-style-type: none"> <li>• Pg2-3: US EPA 2021 “Safer Choice” Award webpage (Notice: date, Apple named)</li> <li>• Pg:4-12: Apple’s 2021 EPA “Safer Choice” application (Notice: date filed, statements made)</li> <li>• Pg13-15: US EPA 2020 “Safer Choice” Award webpage (Notice: date, Apple named)</li> <li>• Pg16-22: Apple’s 2020 EPA “Safer Choice” application (Notice: date filed, statements made)</li> </ul>
<b>Exhibit 09</b> “Appleseed Lawsuit”  12/25/23	Court Records: Docket, Complaint, & Filings	RICO; Bane; Ralph, <i>Tamney</i> , IIED  Establish: - Existence of lawsuits - Claims made as basis of lawsuit against Gjovik	<ul style="list-style-type: none"> <li>• Pg3-9: <i>C.S. v Gjovik</i>, Dockets (Notice: dates and actions).</li> <li>• Pg11: <i>C.S. v Gjovik</i> 12/12/22 Dismissal (Notice: dates; action – dismissal; statements about merit but not statements of supposed facts)</li> <li>• Pg13-50: <i>C.S. v Gjovik</i> Dec 2022 Filings Prior to Dismissal (Notice: dates, filings; statements made)</li> <li>• Pg52-53: <i>C.S. v Gjovik</i> 11/14/22 Reverse and Remand Mandate (Notice: dates, action – reverse)</li> <li>• Pg55-72: <i>C.S. v Gjovik</i> 9/26/22 Order (Notice: dates; action – reverse; statements about merit but not</li> </ul>



		<ul style="list-style-type: none"> <li>- Reversal of order and decision against Gjovik</li> <li>- Dismissal of lawsuit against Gjovik</li> <li>- Statements by Appleseed on court record / under oath</li> </ul>	<p>statements of supposed facts)</p> <ul style="list-style-type: none"> <li>• Pg74-96: <i>Gjovik v State</i> 6/21/22 Motion for Preliminary Injunctive Relief (Notice: dates, action, statements made)</li> <li>• Pg97-122: <i>Gjovik v State</i> 6/21/22 Emergency Motion for Injunctive Relief (Notice: dates, action, statements made)</li> <li>• Pg124: <i>C.S. v Gjovik</i> 4/6/22 Records Request from MWE for Transcripts (Notice: dates, action, contacts, statements made)</li> <li>• Pg125: <i>C.S. v Gjovik</i> 3/4/22: Records Request from Law Firm for Order Against Gjovik (Notice: dates, action, contacts, statements made)</li> <li>• Pg127-131: <i>C.S. v Gjovik</i> 2/15/22 Anti-SLAPP Motion (Notice: dates, action, statements made)</li> <li>• Pg133-148: <i>C.S. v Gjovik</i> 2/15/22 Appleseed's Evidence including FBI report (Notice: documents included / statements made but not taken as facts)</li> <li>• Pg150-170: <i>C.S. v Gjovik</i> 2/1/22 Ex Parte Hearing Transcript (Notice: date, parties, statements made but not taken as facts)</li> <li>• Pg172-179: <i>C.S. v Gjovik</i> 2/15/22 Appleseed's Statement (Notice: date, parties, statements made but not taken as facts)</li> <li>• Pg181-190: <i>C.S. v Gjovik</i> 1/31/22 Appleseed's Petition including reports to police and FBI (Notice: date, parties, statements made but not taken as facts)</li> </ul>
<b>Exhibit 10</b>  “Articles about Apple”  12/25/23	News Articles	All/Various  Establish: <ul style="list-style-type: none"> <li>- Content and existence of articles mentioned by Gjovik to Apple, coworkers, and government in March – September 2021</li> </ul>	<ul style="list-style-type: none"> <li>• Pg3-6: 2011 “Man Says Visitors</li> <li>• Impersonating Police Searched His Home” article about Apple (Notice: date and statements made in article; this was article Gjovik posted on Twitter 10 minutes prior to Workplace Violence contacting her)</li> <li>• Pg8-17: 2017 KQED article on TRW Microwave (Notice: date, statements made, environmental and health/safety issues at site public information and of public concern)</li> <li>• Pg19-25: 2013 The Atlantic article on TRW Microwave (Notice: date, statements made, environmental and health/safety issues at site public information and of public concern)</li> <li>• Pg37-46: Apple 4/21/21 Earth Day Press Release (Notice: date and statements made; this is the Press Release Gjovik criticized in April 2021)</li> </ul>
<b>Addendum:</b> Exhibit 10  1/2/24	<i>See above.</i>	<i>See above.</i>  Establish: <ul style="list-style-type: none"> <li>- Lisa Jackson as NJ DEP and US</li> </ul>	<ul style="list-style-type: none"> <li>• Pg2-3: 2007 New Jersey DEP Website about Commissioner Jackson (Notice: statements made)</li> <li>• Pg4-5: US EPA website for Administrator Lisa Jackson (Notice: statements made)</li> <li>• Pg6-7: Apple webpage on Lisa Jackson (Notice:</li> </ul>



		EPA administrator - Lisa Jackson as Apple exec	statements made) • Pg8-18: “Towards Zero Exposure” Articles (Notice: dates, statements made)
<b>Exhibit 11</b>  “Articles about Gjovik”  12/25/23	News Articles	Dodd-Frank; SOX; Bane; Ralph; IIED; <i>Tameny</i> ; §§ 1102.5, 98.6, 6310; RICO  Establish: - Gjovik’s complaints were public information prior to termination - Public interest in Gjovik’s complaints	• Pg1-96: 2021 Articles about Gjovik / Gjovik’s Complaints (Notice: dates, statements made, quotes from Apple / response to request for comment by Apple; public interest in Gjovik’s complaints; Gjovik’s complaints being public information in news prior to Gjovik’s termination)
<b>Exhibit 12</b>  “Locations”  12/25/23	Maps/Locations	Ultrahazardous; Nuisance; RICO  Establish: - Locations of 3250 Scott factory and proximity to apartments	• Pg2: Distance between 3250 Scott and 3255 Scott (Notice: distance between 3250 Scott facility and apartment complex next door) • Pg3: Aerial map view of 3250 Scott Blvd (Notice: existence and location of 3250 Scott Blvd. facility) • Pg4: Aerial map view of 3255 Scott Blvd (Notice: existence and location of 3255 Scott apartments).
<b>Addendum:</b> Exhibit 12  1/2/24	<i>See above.</i>	<i>See above.</i>  Establish: - Location is apartments - Public notifications of apartment complex while Apple was at 3250 Scott - Location is also Brownfield / Superfund site	• Pg3-11: Santa Clara website for 3255 Scott Blvd (Notice: dates, statements made, – the address is apartments) • Pg12-14: CalEPA DTSC website for 3255 Scott Blvd (Notice: statements made) • Pg16-21: CalEPA DTSC notices for 3255 Scott Blvd (Notice: dates, statements made, -- the apartments are a Brownfield site)